

UNITED STATES DISTRICT COURT

for the
District of Arizona

MA
8/30/17

United States of America
v.
Fidel Antonio Raudales-Lozano,
a.k.a.: Fidel Antonio Raudales Lozano,
(A088 021 579)

Defendant

Case No.

17-364 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 20, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), a felony, and Title 8, U.S.C. § 1325(a)(2) a class B misdemeanor, an offense described as follows:

See Attachment A Incorporated By Reference Herein

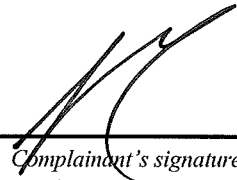
I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA James R. Knapp

☒ Continued on the attached sheet.




Complainant's signature
Steven Case,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 1, 2017



Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns,
United States Magistrate Judge

Printed name and title

ATTACHMENT A

Count 1

On August 20, 2017, Fidel Antonio Raudales-Lozano, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Mesa, Arizona, on or about July 29, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), a felony.

Count 2

On August 20, 2017, at or near Phoenix, in the District of Arizona, Fidel Antonio Raudales-Lozano, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2), a class B misdemeanor.

STATEMENT OF PROBABLE CAUSE

I, Steven Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 20, 2017, Fidel Antonio Raudales-Lozano was booked into the Maricopa County Jail (MCJ) by the Maricopa County Sheriff's Office on local charges. While incarcerated at the MCJ, Raudales-Lozano was examined by ICE Officer C. Payne who determined him to be a citizen of Mexico, illegally present in the United States. On that same date, an immigration detainer was lodged with the MCJ. On August 30, 2017, Raudales-Lozano was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Raudales-Lozano was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Fidel Antonio Raudales-Lozano to be a citizen of Honduras and a previously deported criminal alien. Raudales-Lozano was removed from the United States to Honduras at or near Mesa, Arizona, on or about July 29, 2015, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Raudales-Lozano in any Department of Homeland Security database to suggest that he obtained permission from the

Secretary of the Department of Homeland Security to return to the United States after his removal. Raudales-Lozano's immigration history was matched to him by electronic fingerprint comparison.

4. Furthermore, there is no record of Fidel Antonio Raudales-Lozano in any Department of Homeland Security database to suggest that after his last removal from the United States he entered the United States at an official Port of Entry. Had Raudales-Lozano presented himself at a Port of Entry, Department of Homeland Security records likely would reveal that information. Accordingly, your affiant believes that Raudales-Lozano entered the United States at a location not designated as an official Port of Entry, and thereby eluded examination and inspection by Immigration Officers of the United States. Raudales-Lozano's immigration history was matched to him by electronic fingerprint comparison.
5. On August 30, 2017, Fidel Antonio Raudales-Lozano was advised of his constitutional rights. Raudales-Lozano freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 20, 2017, Fidel Antonio Raudales-Lozano, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Mesa, Arizona, on or about July 29, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section

1326(a) and on August 20, 2017, at or near Phoenix, in the District of Arizona, Fidel Antonio Raudales-Lozano, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2).



Steven Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 1st day of September, 2017.



Michelle H. Burns,
United States Magistrate Judge